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In re Application of :
Ian COTTRELL et al. :
Application No. 10/800,407 :
Filed: March 12, 2004 :
Attorney Docket No. 257122.0044 :

OFFICE OF PETITIONS

ON PETITION

This is in response to the petition under 37 CFR 1.182, filed March 21, 2007, which is being treated as a petition under 37 CFR 1.36(a) requesting revocation of a power of attorney by fewer than all of the assignees of interest.

The petition is **GRANTED**.

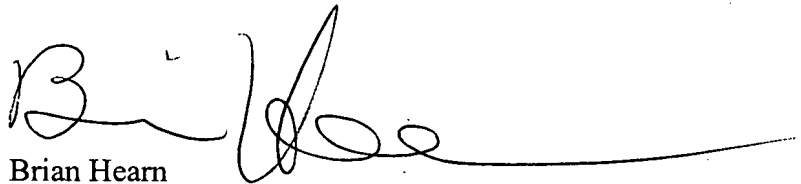
Petitioner requests revocation of the power of attorney and the appointment of a new representative by fewer than all of the assignees of the entire interest of the applicant as good and sufficient reasons exist to accept the request.

On March 21, 2007 Max C. Marx (Marx) requests to revoke the Power of Attorney filed November 15, 2006. Marx claims that papers filed February 12, 2007 in application no. 10/567,635 violated an agreement between Hartz and Virbac.

On November 15, 2006 a Power of Attorney was filed. The Power of Attorney was signed by Max C. Marx in his position as corporate General Counsel & Corporate Secretary of Hartz and by Jean M. Nelson (Nelson) of Virbac. The position of Corporate Secretary is a position presumed to have authority to sign for an organization. See MPEP 324. However, the position of Nelson of Virbac is unreadable on the Power of Attorney. Therefore, Nelson cannot be presumed to have authority to sign the submission on behalf of the assignee. Nelson also has not set forth that he is authorized (or empowered) to act on behalf of the assignee, nor has applicants submitted a copy of a resolution showing that Nelson is empowered to sign the submission on behalf of Virbac.

For these reasons, the Power of Attorney filed November 15, 2006 is NOT APPROVED. The Power of Attorney and Correspondence Address will remain as the correspondence address and power of attorney currently of record.

Telephone inquiries regarding this decision should be directed to David Bucci at (571) 272-7099.

A handwritten signature in dark ink, appearing to read 'B. Hearn', with a long horizontal flourish extending to the right.

Brian Hearn
Petitions Examiner
Office of Petitions

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